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Loudoun County Board of Supervisors, Public Hearing, Wednesday, February 15, 2023

Date Wednesday, February 15, 2023
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 2h 10m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7188>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7188

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-20. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:22:50] All right, I'm going to call this back to order.

[00:23:30] I'm going to call the order of the February 15, 2023, Loudoun County Board Supervisors Public Hearing. This room has a hearing loop. If you need a hearing assistance, please switch your hearing aid to the telecom mode. If you need a headset, we have those available as well. Please see the clerk to my left to request one. As a reminder, if you are a member of the public addressing the board this evening, you may only sign up to speak as it has been advertised for the public hearing.

[00:23:56] Due to the broadcast delay, any members of the public who are not in the boardroom listen to the address of the public on items 2, 4, and 5, which are on the consolidated agenda. Please call the number scrolling across your screen at this time. If you sign up to speak, you'll be allowed at two and a half minutes.

[00:24:18] If you are in the boardroom, we ask that when your name is called, please come to the podium and state your name for the record. The timer on the podium will indicate your remaining time. When your time has expired, please yield the floor to the next speaker. If you are providing comments via telephone, I'm gonna ask you to use your own stopwatch for two and a half minutes, and that is because I don't wanna stop you because it interrupts your flow, but when you get to the end of two and a half minutes, I will stop you at that time.

[00:24:45] And so if you cannot see the clock on your screen, go on and use your telephone and time yourself. When taking public input for the first items, I will ask if there's anyone in the boardroom wishing to speak on the item, and then I will go to the moderator, who is Andy Torres Pass, and ask if there's any speakers online.

[00:25:04] Please note that there is a slight delay between the broadcast and the boardroom. Before I start, Andy, can you hear me? Loud and clear. Wonderful. Okay, we have, ah, Mr. Sains, the consolidated agenda is like yours.

[00:25:23] We have three items on the consolidated agenda this week. I'm sorry, this meeting. Item two, which is the ZMAP 2022-0009, ZMOD 2022-0038, ZMOD 2022-0039, ZMOD 2022-0040, the Guilford Station South, item ZRTD 2024-0002, T4 Ventures, and item 5, ZRTD 2021-0010, and SPMI 2021-0008, the substation expansion.

[00:26:00] Are there any members of the public or in the boardroom tonight or on the phone who would like to speak on any items on the consolidated agenda? Andy, is there anybody on the phone? No, Madam Chair.

[00:26:17] Wonderful. Hearing none, I will close the consolidated agenda. Supervisors, please refer to your consolidated meeting sheet for the motions. The first two are the Sterling District. The last one is the Broad Run District, and then we will move to the wildlife, I'm sorry, the wild, exotic, and venomous species item next.

[00:26:36] Mr. Sainz, would you like to make the motion, please? Yes, ma'am. I move that the Board of Supervisors approve Motion 2B for approval of the zoning map amendment zoning modifications as provided in the February 15, 2023 public hearing item number 2 staff report. Seconded by Supervisor Umstead.

[00:26:53] Discussion on the motion? Seeing none, all in favor, please say aye. Aye. Any opposed? A motion will pass 702 of Mr. Turner and Mr. Buffington being off today as item number four. The ZRTD item is in the Broad Run and Sterling District. Whomever wants to make the motion, you can.

[00:27:10] I'll defer to Ms. Glass. She worked it. Thank you, Madam Chair. All right. I move that the Board of Supervisors approve motion 2B for the approval of the zoning conversion within the Route 28 taxing district as provided in the February 15, 2023 public hearing item number four, staff report.

[00:27:33] Motion is made and seconded Mr. Buzza-Saines. Discussion on the motion. No discussion, Madam Chair. Anybody else? All in favor say aye. Aye. Any opposed? That motion will pass 7-0-2. And the last motion is also in the Broad Run District, the last consolidated agenda motion, Ms. Glass.

[00:27:50] Yes, Madam Chair. I would like to request that staff be allowed to provide one clarification to the board regarding the critical action date. Can you do that within the motion? Yes, Madam Chair. Okay, let's make the motion. I move that the Board of Supervisors approve Motion 1 to forward the zoning conversion within the Route 28 taxing district and the minor special exception to a business meeting as provided in the February 15, 2023 public hearing item number 5, staff report.

[00:28:20] Motion made and seconded at discussion on the motion. Ms. Glass. Yes, Madam Chair. If staff could provide one clarification to the board regarding the critical action date. Yes, so the critical action

date was updated for the packet because the initial date that was provided was based on a year out, which is what we typically see for zoning applications.

[00:28:45] I had not considered the fact that there were significant delays and resubmissions from the applicant, which adds to the critical action date. So the critical action date is now October 11th, 2023. Thank you. Any other discussion? Ms. Glass, is that?

[00:29:01] I just wanted to thank Dominion for being so helpful and willing to address the HOAs that live nearby about the visual impacts of the substation expansion. And I understand that there are still some outstanding issues with the proffers that require this application to be forwarded to March.

[00:29:19] I know that the applicant and staff will work to add the language for the trail construction, landscaping around the pond, and a precast masonry wall on the western substation frontage. All those changes have been verbally agreed to me by the applicant, and I hope they will work to add those to the proffers, conditions of approval, and the plat before the March 21st meeting.

[00:29:40] Wonderful. Anybody else? Seeing none, all in favor say aye. Aye. Any opposed? That motion will pass 702 with Mr. Buffington and Mr. Turner being off the data. We are now going to move to the item number one. It is the codified ordinance of Loudoun County for dogs and other animals, prohibition of private ownership of certain wild, exotic, and venomous species of animals.

[00:30:08] Will staff please come to the table? Good evening. Good evening, Madam Chair, members of the board.

[00:30:26] We are actually going to want the presentation. You would like the presentation? Yes, please. Not that one, though.

[00:30:57] Good evening. I am Nina Stifley. I'm the Director of Animal Services. This is Chief Chris Brosan. Some of this will be a recap for those of you who were at the finance meeting in December, but we have added some additional information based on the feedback received at that meeting and also based on some questions we've received from the public in the time between that meeting and this.

[00:31:14] So this evening we're talking about the proposal, which is prohibiting private ownership of certain exotic and venomous species of animals. This is including specifically venomous snakes, hybrid canines, which would be wolf-dog hybrids or coyote-dog hybrids, Non-native species, examples being animals like koalas or kangaroos, primates such as baboons and marmosets and other wilds, or venomous animals like scorpions or armadillos.

[00:31:49] We didn't know armadillos were poisonous. So armadillos are not venomous. They do carry potential diseases such as leprosy, however. So they are not recommended for private use. so currently the situation is that exotic and venomous animals are prohibited in all of our neighboring jurisdictions so fairfax county prince william county arlington leesburg and much of the state of maryland has has significant restrictions on ownership of these animals so potentially if someone were to want to have one of these animals for private ownership the place

[00:32:27] that they would likely want to be living would be loudon county in order to continue that ownership Right now, Commonwealth-level restrictions are not comprehensive. There is a very long list of species which are limited at the state level. Tigers, for example, are limited at the state level.

[00:32:43] You have to obtain a permit, but that does not include the species that we listed on the previous slide. So that is why we are looking to have a little bit more advanced information out there in order to just be consistent with our neighboring jurisdictions and optimize public health and safety. So, as you can see here, this is the alligator from one of the cases that we had recently.

[00:33:06] And he was in a pond in an unsecured property in Loudoun County. On the previous slide, which I actually did not discuss but should have, this is an individual with his snake. And you can see his photo from his Instagram profile where he says in his unsecured yard with the snake's name, which was redacted for both the snakes and his privacy, that he's not wanting to go back inside.

[00:33:30] So that was what the individual stated, and that had been something that we were aware of once we were on the property as well. The snake that he is holding is one of several venomous animals that he had on the property. Although the alligators were removed from the property because those are limited by the state with the assistance of DWR, those venomous snakes were not.

[00:33:53] So we left, and 11 venomous snakes were still left on his property, and he is continued at this point to allow to maintain those animals. So the reasons that we're looking for this prohibition, specifically for residential settings, is that it presents a potential public safety risk.

[00:34:12] You have the risk of escaping and inflicting harm. Obviously, it's very challenging to have large venomous snakes, primates, such as baboons, potentially, which are large animals in residential settings. You're looking at risk of zoonotic diseases.

[00:34:28] There's a number of diseases that could be spread by any of these animals, which is why those who work in laboratory settings with primates, for example, have to get many, many vaccines over the time of their employment. You can't really manage that on a residential or small scale.

[00:34:43] So those who are kept in a professional setting, so in a zoo setting, in a licensed rehabilitator, an exhibitor setting, those people are familiar with appropriate housing. There is the ability to regulate and contain who is having exposure to those animals. In a residential setting, you don't have that opportunity.

[00:35:01] You're also looking at potential risk to our first responders and anyone who's entering the premises. So whether that person is a plumber or a firefighter, if someone's going into the premises for any reason whatsoever, even unrelated to the animals, you are looking at the risk to those individuals who would be coming into those premises and having potential exposure to those animals. And then, of course, the risk to local ecosystems and wildlife if some of these animals were able to escape and successfully survive in our local climates. These are the proposed exemptions that we are looking at.

[00:35:33] Licensed exhibitors, so zoos and rehabilitators. So rehabilitators are those who we work with very closely with animal services. So for example, if we find an eagle or a hawk who's been hit by a car, we will work with a licensed rehabilitator, get that animal to safety, have the animal rehabilitated and released back to the wild. Zoos are already regulated and licensed through the Commonwealth of Virginia, and depending on the nature of their work, potentially also through the USDA. So this, they would be exempt from any aspect of this. If the animals are lawfully obtained. We're also looking at exemptions for exotic birds like parrots, ostriches, and non-venomous

[00:36:11] reptiles and amphibians. So animals that are just lower risk. So some of your more typical pets that would be sold like a PetSmart, for example. Rear fang snakes. So these are species of snakes that have

fangs in the back of their mouth. It's essentially very difficult for them to inflict any sort of harm whatsoever in a person. So those animals will be considered exempt. They're also very popular pets with a pretty low risk attached to their behavior. And then, of course, all your common pets, so ferrets, guinea pigs, hedgehogs, rabbits, those would all be exempt. Those are all still considered companion animals by the definite in the law. And then animals defined as livestock

[00:36:50] are also exempt. This was a question we received from some members of the public. These animals are already defined in both state and local code for what is livestock. So llamas and alpacas are already exempt bovinines so that includes your of course your typical cows but things like yak and bison and then more exotic types of animals which are still falling under the bovine category questions we received at our january meeting were what about zebu and nil guy and chief brosa and i admittedly had to look up what these animals were and they did say that they these animals would be what are those animals yes they are animals yes but what are they what are they they

[00:37:27] are sort of antelope-looking cows, if such a thing exists. I'm sorry. It's not really my general area of expertise, but he and I did do some research on them. They are not typically successful in this climate as it is, but they could be. And again, they are a low-risk species, so potentially there is an agricultural use for those animals, so they are already exempted. Peafowl, so your standard peacocks, which are very common, equines, of course, poultry, and deer, elk, and moose. As I mentioned on the previous slide, ostriches are called ratites. That is the category of animal

[00:38:04] that they are, and ostriches do also have agricultural purpose, and those are exempted under the bird category. It's worth mentioning that some of these species are already still regulated through the state, so we would not have any ability to change those regulations at this point in time. So deer, for example, due to potential disease risk, deer are already regulated by the state, but you can potentially obtain a permit to farm deer. And this would not impact someone's ability to do that if they chose to go that process. And then we are looking at grandfather clause. This is to encourage people who have these animals to come forth and disclose

[00:38:41] that they do possess these animals so that we can have them in a registry. And that is disclosed to our public safety personnel so that we can ensure that if public safety does need to enter the premises for some reason that they are aware of which animals are in the in the premises and at the recommendation of the finance committee that would come with an inspection from the department a representative from our department so that concludes our presentation and we are happy to receive any questions okay thank you supervisors if you have questions please put

[00:39:16] your lights on mr kersner thank you madam chair and thank you for being here i have a lot of questions that i probably can't ask in three minutes but public hearing so i think a lot of the questions will be brought up um i'm a little concerned with kind of this broad area i guess the first question i have is for for our attorney and that is being that we're a dylan rule state what can you point to the authority we have to do this because i know there are many state statutes that essentially and i'm sure other counties have done it but i just don't know what the answer to that

[00:39:47] is supervisor there's general authority in the code to regulate animals in your jurisdiction There's a whole chapter on it, and this would fall under the authority in that chapter of animal regulation.

[00:40:05] So I can't think of it. It's 3.1, I think 796 point something. Is that correct? It's 3.2, 65, 44. So that would include all these exotic animals, et cetera, for a locality to do so is what you're telling me. Okay.

[00:40:20] That's correct. I understand this one incident we had. It sounds like it kind of triggered this. I'm not sure we always open up a meeting with an alligator who took a walkabout in Western Loudoun, but apparently that's what happened. Was this, I mean, have we really had incidents this severe, or is this kind of a one-off?

[00:40:38] I mean, obviously, having venomous cobras, et cetera, may be an issue in alligators, and I'm just concerned that maybe we're overreaching here, but I'd like to hear what you have to say on that. Yeah, I mean, it's not the first time, obviously. It is one of the more significant, based on the animals that were involved.

[00:40:54] But we've certainly had other exotic animals that were loose in the county. We've had a serval. We've had zebras. We've had African porcupines. But we've also experienced individuals that possess native wildlife, which is also restricted not only by the Department of Wildlife Resources, but also poses a threat to the public as well.

[00:41:19] Okay. So I know we've listed armadillos in here. Is the list of animals that we've come up with specific? Is it, have we specifically listed every animal or do we have general categories?

[00:41:38] Because that's my concern that this is going to encompass perhaps more than we're trying to do. Because anytime you write an ordinance, that's what happens. And so, I mean, for example, how is this going to affect people like the Leesburg Park? I mean, will they fall under the zoo exemption or will they not? Are they going to have to get licensed in order to do that?

[00:41:55] Or because they are open to the public, do they generally then qualify? No, they're already listed as a very clear exemption in this, so they are considered exhibitors, and they are licensed through both the Department of Wildlife Resources and through the USDA, and so we actually do not at this time or in the future would not have any regulatory authority over them unless there were, say, a cruelty investigation that would still fall under our purview, but in terms of their licensure and the animals they have, that is not something that we have any interest in controlling. That's already handled by the state.

[00:42:27] So this would only be private owners? That's correct. Thank you, Mr. Kirshner. Ms. Kless. Thank you, Madam Chair. So I was looking at the grandfather clause where it says residents currently possessing species prohibited under the proposed ordinance. So I'm looking at the cute monkey, which I would probably never want to touch.

[00:42:50] So I guess, you know, for that example, if they wanted to, you know, we're allowing them to keep that animal, but for them not to be allowed to purchase or bring in another one, that's prohibited?

[00:43:10] Yes, ma'am. So the hope of the grandfather clause would to be encourage those who are currently possessing these animals to just advise us of their presence. If we were to outright ban these animals without offering a grandfather clause, we'd be risking a situation where people are essentially just going to hide the animals and not have any opportunity to follow the law.

[00:43:30] So if they had, say, this monkey in their possession, they would be allowed to continue to possess that monkey for the duration of its natural life. They would not be able to acquire additional monkeys, but they would be able to maintain this one as long as the premises were safe, secure, and they are providing all currently defined adequate care definitions.

[00:43:50] So something like the alligator, I'm thinking of like animals that could be dangerous to humans and other animals and could probably be a problem to our environment.

[00:44:07] We would not allow those, right? Or once we find out that someone has them in their home, would we say, okay, you can't have those and have them to take them somewhere else? So currently alligators are already on the restricted list from the Department of Wildlife Resources, so they are already prohibited.

[00:44:28] A number of your considered potentially more dangerous animals, such as bears and tigers, those are also already prohibited. It's the species that are not already on the state list that this is hoping to address. and that is a large number of primates. So essentially primates in Virginia could be considered pets, companion animals, unless they are already an endangered species.

[00:44:50] So endangered species are not permitted for private ownership, but if they're not on the endangered species list, essentially you could go online and purchase a monkey and have it here in 48 hours. Okay, thank you. Yes, ma'am. Ms. Bricksman.

[00:45:06] Thank you. This should be brief. So the ordinance you're proposing would prohibit some animals, but also, as I read it, would allow for licensing of certain animals so that they could be kept in the county? Yes. So if someone possesses one of these animals at the time of the passage of this ordinance, then they would have 60 days to register that animal.

[00:45:29] As long as they are registered within the 60-day period, then we would allow them to maintain that animal. If we come across that animal months or years from now, then they would not be able to maintain that animal. And if they're registered, are they registered like I register my dog with tags and everything, or is it a little different?

[00:45:47] We would not issue tags because many of these species would not have the ability to wear a tag safely. But we would maintain a database so that our department is aware very specifically of what is in the home. We have maintained photos of the animal, all information as to how it's housed, where it's housed in the home so that if, say, firefighters were to go in and needed to address something, they would know that, you know, on the first floor, you know, bedroom to the right, there is, you know, six tanks with cobras.

[00:46:15] So say the fire department pulls up this address in the CAD, is that what it is? Yes. Would it actually say there's a poison snake in this house? Yeah, so what we've done with previous cases is contacted both the Sheriff's Department and Fire and Rescue to ensure that whatever animals that we encountered that we have indicated are dangerous are listed in the premise hazards so that any first responder that responds to that address would get an indication or an alert that these animals were there.

[00:46:47] And whenever we do that, specifically when we're talking about venomous snakes, we let them know exactly what is on the premises because it is so difficult to obtain the proper anti-venom at times, which can take flights from out of state, other jurisdictions involved in order to get the proper anti-venom here.

[00:47:04] So we want to make sure that they know before they enter that facility exactly what is in that. Okay. Lastly, does the ordinance have any insurance requirements of folks that have these animals? It does not.

[00:47:20] Okay, thank you. Very good. So the grandfathering clause, does the grandfather move with the family? So say someone has a monkey, and they live in western Loudoun County, and it's a space out there, and then the family moves to someplace, an apartment that's a densely populated apartment that doesn't have the same space and stuff.

[00:47:46] Does that monkey, does the grandfathering clause move with the animal if the family moves? Yes, the animal and the owner are tied together. So they could not transfer ownership to another owner. But even if he moved from an area that had lots of room and space for the animal to be freer, if they moved to a much more densely population area, they could still take these animals?

[00:48:15] At this time, yes. So to Ms. Brixman's question, you know, if someone's calling 9-1-1, they're probably in an emergency. So yes, it's in the computer that there's venomous snakes in this house. But they may, in the middle of an emergency, may not have time to go secure their snakes. And so now 9-1-1 walks in there.

[00:48:32] They know they're there, but they don't know, like, if they step in the door where the snake is. It's like a snake. It's not going to be like, hey, here I am, right? And so I'm a little concerned that I'm really concerned, to be honest, about our first responders. And to the point you just made, if we don't have those antidotes for venom on hand all the time, I don't know if just warning first responders that they are there actually does help because the person who has them is not going to secure the animals at the middle of their emergency.

[00:49:07] To slide three, when you say the snake didn't want to come in, does that mean that that snake is not a – I mean, I don't know what that means. I mean, it's a snake, right?

[00:49:23] And so, no, I mean, because we're saying they have to be able to secure their animal, be in control of their animal. Well, if somebody's saying, my snake won't come in, I'm not sure that person's in control of their cobra, right? And so what is your line for they have control of their animal?

[00:49:39] Because he himself said, my snake didn't want to come in. So the way it is written is that the shelter shall be inspected by an animal control officer in order to ensure that it meets the definition of adequate shelter by an officer.

[00:49:55] So what it means is not that, it means that there's adequate shelter there, not that the animal is going to be secured in following instructions. That is correct. Okay, and then lastly, is there any level of primates by which we stop? I don't know anything about primates.

[00:50:12] So is it like, if it's a chapucha monkey, it's cool. If it's a chimpanzee, it's cool. But if it becomes this face-eating animal on our screen, it's not cool anymore. I mean, what is our, like, this monkey's good, this monkey's good, and this monkey is a no.

[00:50:29] What is our, do we have a stopping point? Monkeys are the stopping point. Monkeys are the, any monkey. Yes, ma'am. At this point, the way it is worded is that non-human primates would not be permitted in Loudoun County.

[00:50:44] However, if someone does own one at this time, they could be grandfathered. Okay. All right. Thank you. Thank you very much. And thank you for all your work on this item, which has been, you've been doing this for a long time, and I really realize there's been a lot of emotions because people love their animals, and I do respect that very much.

[00:51:04] So there's been a lot of emotions tied to this, and you all have done, you've held a couple of town halls and everything, so I do appreciate how hard you all have worked. so we do have speakers on this item i think the first speaker maybe i'm not sure if you're here or not maybe online because he's actually from wythe county um so it's heidi kroski followed by shirley johnson followed by rebecca givings is you miss okay come on down how are you ma'am

[00:51:34] okay yeah i see that and you're from wythe county how far is that drive it's a ways we're way down by Tennessee. Wow. Well, thank you for coming up to be part of this discussion. Ready when you are.

[00:51:50] Thank you. My name is Heidi Kroski, and I am representing the Virginia Animal Owners Alliance. We are a statewide group, and we work to preserve and to promote animal ownership throughout the Commonwealth. We are very concerned about this proposal as written, and we're asking that you would please reject it in the form that it is now. This ordinance, proposed ordinance, is portraying the state of Virginia as a type of Wild West, and that is simply not true. There are already a lot of regulations and laws in place when it comes to exotic animals. We know that this ordinance is

[00:52:25] modeled after the Arlington ban, and we've been doing some research to kind of see what brought that ban about. On February 24, 2017, the WTOP News published an article that gives us some insight into that whole process and how it happened. There's a statement in that article that says, the proposed crackdown on exotic pets was not triggered by any recent incidents. This was said by Kurt Larrick with Arlington County's Department of Human Services. He goes on to say the animal advocates in our community thought it was time to do this. And then it said that the measure was

[00:53:02] backed by the Animal Welfare League of Arlington and the Humane Society of the United States. Now, I don't know how many of you have researched the Humane Society of the United States, but those of us that are in the animal industry, that fact greatly concerns us. I have submitted a handout to the clerk that I hope you will read later.

[00:53:22] It's giving you some background from a group called Humane Watch, and it gives you some of the history and some of the facts that you might not hear in the general media. This is a national organization that is very anti-ownership, and it causes us great concern. The HSUS is anti-ownership. We know this from two different things.

[00:53:42] There are statements from key leadership that have been made over the years, and we also have their positions on different legislation that has been brought about on different parts of the country, as well as right here in Virginia, that proves that they are anti-ownership. So I would encourage you to please look at that.

[00:53:59] We're also concerned about the fact that Chief Brosin has worked directly with the Humane Society of the United States, and that gives us pause. And he has said that vagueness in the code is a good thing because it gives people enforcement options. So that's a great concern to us.

[00:54:16] And so we're asking that you please not be so focused on enforcement and separating people, but try to preserve that human-animal bond. Thank you. Thank you. Thank you very much. I'm Shirley Johnson, followed by Rebecca Gibbons, followed by Tom Marshall. Good evening, ma'am.

[00:54:37] Good evening. I'm nervous, so bear with me. Okay. Good evening to all the board members. My name is Shirley Johnson. I'm the director of Leesburg Animal Park. I do support part of the ban in the

sense that it does exempt USDA licensed zoos, which we are.

[00:54:57] But I do oppose the broad and vague ban, you know, that they have for all the other exotic animals. I know much of this discussion around this legislation is centered on the need for public safety.

[00:55:14] But I think before we consider these broadbans, we need to look at some of the facts that will hopefully put this in a little better perspective. According to the Center for Disease Controls on their current outbreak list, of the 11 items mentioned, one had to do with salmonella from an animal, and it was from a common lizard that you can find in pet stores.

[00:55:39] So a deterrent is simply to wash your hands after handling an animal in terms of that. According to the World Health Center, dogs are the main source of human rabies, and up to 99% of all rabies transmissions to humans are from them.

[00:55:57] The Poison Control Center at VCU Health, they see about 180 snake bites a year. 80% of the bites come from three species, the copperhead, the cottonmouth, and the rattlesnake. They're all native species, and Dr. Rose at the center said that snakes typically bite in self-defense.

[00:56:16] there's another company called local your local security or yls and they conducted a study of phobias in 2020 and it said virginia's biggest google searched phobia was the fear of snakes yet we know from the mayo clinic that phobias are defined as an overwhelming and unreasonable fear of objects or situation that pose little real danger but provoke anxiety and avoidance So let's proceed based on facts and not fear.

[00:56:53] I would like to recommend that a stakeholder group be formed and we discuss how to best proceed rather than to just let a ban be our first course of action. Thank you. Thank you very much, ma'am. Rebecca Gibbons, followed by Tom Marshall, followed by Lori Nguyen.

[00:57:12] Good evening, Ms. Gibbons. How are you? Good evening, members of the board and Madam Chair. I am here to speak as a licensed veterinary technician, as a public servant myself, on the importance of venomous snake and other exotic animal ownership in the private home.

[00:57:31] Virginia has native venomous snakes. They are the copperhead, the rattlesnake, water moccasin, and or cottonmouth. It's the same snake. Each of these snakes are a member of the pit viper family. When discussing the banishment of private ownership of venomous snakes as a public safety hazard, there is some bewilderment. Across the country, there are 8,000 snake bites per year with roughly five deaths. This is 0.065 percent related to venomous snake bites. How is this statistic achieved? And that's with anti-venom. How is anti-venom produced? Well, I'll tell you.

[00:58:08] There are less than a dozen labs that produce anti-venom globally. The access and the potential future for shortages of snake venom is directly correlated with the ownership of venomous snakes. Nathaniel Frank is a prime example of a private citizen that single-handedly turned his hobby into a globally successful laboratory that produces anti-venom. At some point or another, there will be a need in the community for private citizens to provide venom for anti-venom. Linking private ownership of animals to additional vaccinations would be COVID. When COVID vaccines were sent through production, they quickly contacted the private

[00:58:48] sector to provide and transport primates to make this vaccine. Without giving citizens of the county the option for private ownership of exotic animals, the country will quickly lose the ability to

combat major medical issues linked with the survival of the nation related to advances in medicine and treatment of humans. How do we protect those that protect us? Our concern here is heavily based on our first responders that have to enter homes with potentially venomous or dangerous animals. By requiring the registration of those dangerous animals, just like dog

[00:59:23] registration, we can greatly reduce the public service risk of the dangerous species. A complete ban is not the answer. We are losing touch with Lausanne's rich farming heritage, and this will soon be lost in time if we continue in this manner. The clause that concerns me most is or any other warm-blooded or marsupial that can be found in a wild state. That is of most concern because most or all mammals in human care can be found in a wild state. This can also leave space. I'm sorry your time is up. Thank you. You can feel free to submit the rest of your

[00:59:59] comments or all of your comments to the clerk or send them to us via email. Thank you. Thank you. I appreciate it. Tom Marshall, followed by Lori Wynn, followed by Molly Amos. Good evening, Mr. Marshall. Well, thank you, Madam Chairman. I'm glad to be here. Among other things, people know me of different ways, but I'm also an aviculturist.

[01:00:20] An aviculturist is a person who breeds and cares for birds in captivity. I do that and do with thousands and thousands of other people. and our organization, the American Federation of AvaCulture, are always concerned about any kinds of restrictions on our right to keep birds.

[01:00:37] I would like, and I think I understand from the presentation we had today, that non-native birds will be excluded from this proposal. I think that would be very important to maintain that, and I certainly hope so you'll adopt that position then.

[01:00:55] But I would like to also say watch now for the use of terms such as animals, exotics, invertebrates, and non-native, all of which could describe birds if somebody who's trying to implement a policy or make a policy based on a general policy could misconstrue the meaning of it.

[01:01:16] If you're concerned about dangerous animals, venomous snakes, and reptiles, say so. Be specific. The implementation of any policies you adopt will be done by hired staff that need to know what you mean by the terms that you use.

[01:01:31] They should not be vague. However, I'm here today also to caution you in embracing such broad regulations that could have an adverse impact on the law-abiding citizens in our great county of Loudoun. My suggestion is to address any known problem without creating a bureaucracy hoping to find a problem to justify its creation.

[01:01:52] I am suspect of the Humane Society's involvement, such as HSUS, the Humane Society of the United States, and PETA, People for the Ethical Treatment of Animals, as they are modified strictly by animal rights agendas, individuals that don't believe people should have pets and have taken other extreme positions in the name of animal welfare.

[01:02:17] Those of us who keep birds actually practice animal welfare. I'm also the author of Why Parrots? Why Aviculture, published in 2021, that should be of great interest to individuals with a passion for animals. And if any one of you would like to have some, I'll give you one.

[01:02:35] And I'll give you one to this organization. Thank you very much for your attention. Thank you, Mr. Marshall. Lori Wynn, followed by Molly Amos. And then we will go on to the remote speakers and go

to Tony Plazibot. Good evening, ma'am.

[01:02:51] Madam Chair, Board of Supervisors, thank you for the opportunity to speak again. As you know, last month I discussed the biology and science of wolf dogs, as well as vet care, living with these animals, and they are the same as dogs. Now I'd like to discuss the companionship of these animals.

[01:03:07] As a wolf and wolf dog educator, the first thing I say is these are not pets. These are true companion animals and also provide therapy. There are many organizations across this country that work with these animals for therapy purposes, such as PTSD trauma, at-risk youth, addiction, hospice, and more.

[01:03:24] My last wolf dog was an emotional support animal legally. My current girl, Ambassador Rosemary, although still young, has been a tremendous support for me as well. Firstly, I am a God-loving woman, so praying about everything in my life comes first. Early last May, Roseberry began to act like an emotional support animal to me.

[01:03:42] I was surprised since she was only one. On May 19th last year, I was awakened to a text from my son-in-law that my 32-year-old daughter had a seizure in her sleep and was rushed to Fairfax Hospital via ambulance. They ran a brain scan and an MRI and found a brain tumor. The next day, she had brain surgery and removed a tumor the size of a lemon.

[01:04:01] Once meeting with the Tumor Board at the Schar Center, we were told that she has a grade 3 incurable type of cancer. She has undergone radiation and is about halfway through her chemotherapy. Of course, I've been on my knees praying multiple times a day, but each day when I returned home or returned home from the hospital, I would sob.

[01:04:18] Rosemary was there for me to nuzzle my face on her neck and just let me cry. She has brought me more healing than the life support groups at Schar Life with Cancer. My life turned upside down on May 19th, and I will never be the same. but living with my wolf dog. Each day we walk in nature. We enjoy God's beauty. I clear my head.

[01:04:35] I pray. I cannot imagine not having this in my life, and I ask you please to not take this from me. I am the picture-perfect, responsible owner. Therefore, I ask that you add a registry instead of a ban where all wolf dogs need to be registered, even perhaps a sign on the front door for first responders stating wolf dog on premises. I'll be the first to comply. Being very active as an educator in the online wolf dog community. I will educate about this and following these laws. I will communicate with you if I run into somebody that may not know this law. I ask you not to take this away from me and preventing others from having the same experience, joy, and comfort offered from

[01:05:13] wolf dogs by making them illegal. Thank you. Thank you, ma'am. Thank you for coming in and speaking with us. Molly Amos followed by Tom Plazabat and Adrienne Mock. Good evening. Good evening. Thank you. My name is Molly Armis. I'm the Virginia State Director for the Humane Society of the United States. On behalf of our supporters here in Loudoun County, we encourage you to pass this ordinance. The private possession of wild and exotic animals, such as primates and venomous snakes, puts communities at risk. Even when born in captivity and hand raised, they still maintain

[01:05:48] their wild and often predatory instincts. They can and they do injure and kill people, and they take every opportunity to escape. Every day, you know, I think this is something that staff really emphasized, that our law enforcement personnel and our first responders are putting their lives at risk,

and they shouldn't have to have that added risk of facing something like a primate or a venomous snake. And ultimately, it is the taxpayer that ends up footing the bill in the wake of attacks, escapes, or confiscations. Again, as was noted by staff, wild animals can carry diseases that are easily communicable to humans, such as rabies, tuberculosis, and herpes

[01:06:27] B. We are also obviously concerned about the animal welfare aspect of keeping exotic animals as pets. They require substantial space, escape-proof housing, and specialize in costly care. And the average person does not often have the expertise or resources needed to house and care for things like primates or alligators or crocodiles. And as a result, exotic animals kept as pets are often confined in conditions that compromise both their physical and psychological well-being. Eventually, animals who inevitably become too difficult for their owners to handle

[01:07:03] or who outgrow their usefulness as pets typically are left to live in small cages, pass from owner to owner, or they're simply turned loose, endangering the community and native wildlife. And so, you know, we really do encourage you to move forward with this ordinance both to protect the community as well as to protect these animals, and we thank you for the opportunity to speak.

[01:07:25] Thank you. Excuse me. Tony, I think, is Plazibot, and then Adrienne Mock, for our last speaker, is Connor Quinn. I think this person's on the WebEx. Hello.

[01:07:42] I am Tony Plazibot, and I live in the Catocin District. As an attorney and a Northern Breed dog owner, I have a few concerns regarding the overly broad language within the closed addition to Chapter 612. While I completely understand the issues encountered by law enforcement regarding escaped alligators and the lack of anti-venom available within Loudoun County for certain venomous snakes and spiders, I believe the extension of the band specifically to wolf hybrids is concerning for the following reasons.

[01:08:12] First, complex DNA testing is required to confirm wolf DNA. It is not 100% accurate, and this new code will force animal control to rely on identification based on the animal's appearance, unless the county will pay for genetic testing. So this is essentially a breed ban that can affect many purebred dogs that happen to have a wolfy appearance, such as huskies, malamutes, or tamaskins.

[01:08:35] Second, responsible owners of many northern breeds may find themselves the object of harassment from neighbors or animal control officers who may confuse dogs with wolf-dog crosses. And this type of harassment may generate expensive litigation. Third, unlike alligators, scorpions, venomous snakes, or spiders, true wolf hybrids with recent wolf ancestry do not necessarily resemble wolves.

[01:09:00] For example, if they're a poodle or a boxer, they may not resemble a wolf at all. Essentially, it will be very difficult to regulate what you cannot identify. Similar laws and other jurisdictions have proven to be unenforceable and ineffective. Some states have rescinded their laws regulating wolf hybrids because of the process in administering these regulations.

[01:09:21] These laws are seen as overly broad because on their face, they essentially bar any person from possessing a dog that ever had a wolf as an ancestor, which would be every dog. And this code does not specify how recent the wolf ancestry must be. And these laws have been won by pet owners on grounds that such laws are unconstitutionally vague.

[01:09:42] Finally, Loudoun County already has a dangerous dog code. It is not breed-specific, and it holds irresponsible owners accountable for not training or socializing their dogs. And this new code seeks to

punish responsible pet owners of any type of canine.

[01:09:58] Thank you for listening, and thank you for your time this evening. Thank you, ma'am. Adrienne Mock, followed by Connor Quinn, and I think after Mr. Quinn, we may have one more speaker as well. We have one on the WebEx. Good evening, everybody.

[01:10:13] My name is Adrienne Mock. I am the legislative vice president and Arkansas state coordinator for the American Federation of Ava Culture. This ordinance that you're proposing is basically hunting for a problem. The vast majority of exotic animal owners do not let their animals run loose.

[01:10:32] They are confident, they are efficient, and they care very deeply for their animals. They love their animals just as much as the rest of you guys love your dogs and cats and horses. The language of this is very strongly animal rights. Everything has to be banned. They're using fear factor language, escape, inflict harm, zoonotic diseases.

[01:10:54] Dogs cause more injuries and harm to humans than other species that we keep around. The CDC has numbers in the thousands from dog bites and maulings, including deaths. Cats can spread toxoplasmosis, which causes neurological and psychological issues in humans.

[01:11:17] Cat scratch fever is actually bacterial disease that affects humans. So our domestic animals can be just as dangerous as any exotic. The animal rights agenda is until there are none. But if they went out and said, we want to take all your animals away and ban them, everybody would say, go away, here's the door.

[01:11:37] So they go step by step, bit by bit, and piece by piece. Instead of a ban, I suggest a permit procedure. So people who have animals, like snakes, like lizards, whatever you've got on your list, can get a permit, except for those expressly prohibited by the Commonwealth of Virginia.

[01:11:59] They already have regulations and laws in place. You can add to that by providing a permit process. The permit process will also allow responders to know what animals are located in various places. An organization called USARC, United States Association of Reptile Keepers, can give you information on proper housing and containment and handling for venomous reptiles.

[01:12:23] That's what they do. We're the experts on that. There are also experts for other mammals and for other animals. The gentleman with the alligator that let it run around, well, he was an irresponsible owner. A regulation or a ban would not have affected this.

[01:12:39] He's the one that started this by having an animal that was already illegal to own. It wouldn't have mattered if you had a ban in place or not. So instead of until there are none. Ma'am, your time is up. Thank you very much for your comments. We have two more speakers, Connor Quinn and Ivan Muller, who's going to speak to us as well.

[01:13:02] Mr. Quinn, good evening. Good evening, Madam Speaker and Supervisors. So while I was listening to the presentation, I have a question for the staff regarding the grandfather clause. So as I was thinking, if, say you have two monkeys in a household and they are both male and female, and say they breed, is their offspring still protected by the Grandfather Clause?

[01:13:25] So normally the way we work is we ask these questions. That's such an excellent question that when it's time for me to ask questions, I will present that question to the staff. Okay. Do you have any other questions? No, that's it. Thank you, Mr. Thank you. Good question. And our last speaker.

[01:13:49] Good evening. Thank you for having me, Madam Speaker and the board. I would like to talk against most of this ban since I believe that if they're able to properly contain the animal, then they should be able to keep that animal as long as it's written down in a database of some sort.

[01:14:09] But they should be able to keep getting these animals as they please on the purpose that most animals in the wild act on the basis that they do not want to attack unless they want to get food. and uh it's uh kind of the law that mess around and find out so if the and if you like mess around the animals then they're obviously going to want to attack you um that's not most of the cases and that's kind of human nature not to attack a vicious animal that could go after you um so i

[01:14:44] believe that if the animals able to be contained properly then that the owner should be able to keep them as long as they're written down in the database um on the basis that unless you attack it most of the animals are not going to attack you back. So thank you very much for letting me speak.

[01:15:01] Thank you, sir. All right, supervisors, I'm going to make a motion, and the motion will not be to suspend the rules. So in other words, we're just sending this item on, and then I will talk a little bit in the motion. With the Board of Supervisors' proposed amendments to the Chapter 612 of the codified ordinance of Loudoun County, Dogs and Other Animals, as outwinding the attachment 1 of the February 15th, 2023, Board of Supervisors' public hearing staff report to the March 7, 2023 Board of Supervisors' Business Meeting for Action.

[01:15:30] All right, motion was made and seconded by Supervisor Bricksman. All right, so the reason I'm, well, there's a lot of reasons I'm not suspending the rules tonight, but there were some people that came up and spoke that I will follow up on.

[01:15:47] People never believe I'm going to do that until I call them, and then they're all shocked. But I want to follow up just to ask some questions. I am going to push back that this is broad. I've seen this thing narrowed down significantly since we first started, and I know that our animal services staff has had a lot of meetings and done some things differently from the first time they brought this to us.

[01:16:15] And so I don't accept the overly broad. In fact, I am concerned with some of the things I'm seeing or not seeing. I'm very concerned that, you know, that the grandfather claws flows with the animal.

[01:16:30] So if you move an animal to a smaller space, you can still keep that animal, even if it doesn't have enough room for what that animal may require. I'm concerned about that. But there's also things I don't know. I mean, you know, I want to know more about wolf dogs.

[01:16:48] I want to know, and if anyone knows, you can answer this question. Do wolves and coyotes naturally mate with other animals that are not wolves and coyotes? So in other words, if you have a wolf dog, does somebody have to actually mate that wolf with what we would call like a home dog to create a wolf dog?

[01:17:10] Does a wolf naturally mate with a poodle just in nature? I'm serious. I don't know. I don't know. I'm not. I don't know. To Mr. Quinn's question, if you have two primates who are of different genders, and we grandfather those primates in, and those primates have a little primate, is that child, little primate child, also grandfathered in?

[01:17:40] My reading of the law, as it's written, would be that that would be a new acquisition. If they were breeding those animals for a commercial purpose, then those would actually already be falling

under a USDA inspection type category. So if somebody were breeding their primates deliberately with the intention of sale, they could either fall under a dealer permit, which we'd already have some oversight over, or if they were breeding them for provision, say, to a laboratory, those would already be under a USDA permit.

[01:18:11] But as far as our purposes, if these are just pets that they were looking to keep, that would be available. It's a new acquisition. Back to the wolf-coyote question. Do wolves and our coyotes naturally breed with other canines outside of their genus?

[01:18:29] They can. Typically, most wolf dogs, to my understanding, that are acquired as pets have been purpose-bred. So they have been a deliberate planned breeding between a wolf and a specific dog. Okay. All right. I will have a closing, so I'll ask more questions.

[01:18:46] Mr. Kirshner? Thank you, Madam Chair. I pushed back a little bit on maybe it is too broad simply because, well, we get very specific and then we kind of are broad in other areas. And I kind of have a tendency to lean towards allowing people to have a certain amount of freedom of what they do in their house and not do. And I, for example, grew up with a pet raccoon. Greatest experience of my life. Couldn't do that in Loudoun County if this passed. I also had a pet squirrel that my dad cut down a tree there's a little squirrel in there we brought him home we raised him up I fed him

[01:19:21] with a little dropper had a phenomenal experience um no we didn't eat him um um so you know those the way I read the the changes in this this ordinance itself that would eliminate those two specific things and a couple of folks that spoke brought up some really good points you have a dog that maybe falls or an animal that falls under as a support animal yes you're grandfathered in but once that animal goes, you can't replace that with anything. I'm also very concerned that we

[01:19:56] are creating a, and maybe I understand Mrs. Springs is on the line, but I was talking to Mr. Rogers about this in the interim. I read the administrative code of Virginia that we actually have a 4VAC 15-30-10 possession importation sale of wild animals, and it already exists, And so I'm not quite sure why we can't actually enforce it this way, you know, with specific animals that are laid out in the code.

[01:20:25] So maybe perhaps Mr. Rogers or Missy Springs could answer that if I can ask that question within my time, Madam Chair. And if you're not available, we can talk later. I believe Ms. Springs is on the line. We've been discussing this, if she's available.

[01:20:44] Can you hear me? Yes, we can hear you. Okay, sorry. Supervisor Kirshner, I think to answer your question, the state administrative code certainly does regulate some animals, but not all of the ones that this ordinance would regulate.

[01:20:59] And the state code does give us authority to regulate some of these animals. So that would be my answer to your question. So my question is, we were told tonight that we couldn't take those snakes, but those snakes clearly fall under this administrative code.

[01:21:19] Well, when you say we couldn't take those snakes. And the example that was given earlier by staff, they had poisonous, venomous snakes. They said they had to leave the snakes, as I recall. They did take the alligators, but this administrative code clearly seems to suggest that you couldn't keep those.

[01:21:36] I'm not sure. I'd have to ask Chief Roseanne, but it perhaps was a situation where the state would have needed to take that snake. I don't know. I'd have to defer to staff at the table. Yes, that would

have been a situation where the Department of Wildlife Resources would have had to act in that situation.

[01:21:56] Okay, thank you. Mr. Kirshner, I'm going to let your wife and children know that having a pet raccoon was, and in your words, the greatest experience of your life. When I was a kid, let me tell you about that. Oh, you didn't say that part. You didn't say that part.

[01:22:11] I'm just saying. You didn't say that part. So, you know, listen. Just saying your exact words to me, sir. Thank you, Madam Chair. First, I wanted to reassure the speaker who has a therapy wolf dog that this would not propose to take that dog away from her.

[01:22:42] That wolf dog would be grandfathered under this. I do have to agree, though, with Supervisor Kirshner. People do have pet squirrels and become quite fond of them. They do have pet raccoons, and they become quite fond of those.

[01:23:05] And the wolf dogs, of course. People become incredibly fond of any kind of canine. I have known people in Leesburg who have had pet skunks and been very fond of them.

[01:23:23] They were descended or whatever one calls that. But I think I'm especially concerned, and I agree that in general I don't think the ordinance is overbroad, but I think when it comes to defining a wolf or hybrid canine, that is overbroad, and I wonder if we could narrow that.

[01:23:46] My own preference, if I were to design this ordinance, I would exempt the squirrels, the raccoons, and the skunks, and possibly the wolf dogs. But at the very least, I think we should more strictly define hybrid canine.

[01:24:08] Just so that the board is clear, it's already illegal to possess native wildlife, so your squirrels, raccoons, skunks are already prohibited through the Department of Wildlife Resources. So you would have to have a specific permit in order to possess those, and they don't issue permits as pets.

[01:24:24] It's only for exhibitors, rehabilitators, and a few other permits, but those are already prohibited. So why are we putting it in here? Because it would seem redundant then. One of the reasons that we put it in there is it gives us the ability as a department to act on those situations.

[01:24:43] Currently, the Department of Wildlife Resources has limited officers that cover multiple counties. So in those situations, if we do run across something like that, it gives us the ability to act on that situation. Okay. Thank you. Madam Chair, if I could respond as well.

[01:25:01] In the state code, there's concurrent authority between the locality and the state, particularly in the area of animals. By having a local ordinance that regulates, it allows local enforcement. All right. In closing, I will ask one question.

[01:25:20] So on page three of the PowerPoint, I do think that this is a point we haven't talked about, and it's a valid point. Fairfax County, Prince William County, County of Arlington, Town of Leesburg, and the state of Maryland all have these exemptions.

[01:25:39] So two questions. Is what we're proposing, does it match very closely to what those locations have done? Because I do hear you say, and I don't think we should pass it over, that what that would mean is if we don't line up in some way, then we will have a lot more owners of animals that can be concerning in Loudoun County.

[01:26:05] If they cannot in any other surrounding jurisdiction, and even Maryland, take their animal, then they may decide that Loudoun is the place to comment. And I am absolutely not and would never minimize someone's relationship with their animal.

[01:26:25] But it also is, I think, fair to say that if you have a higher number of animals that could be dangerous, you are more likely to have an incident than if you don't have a higher number. So I think it would push people to come here because we don't have something in place.

[01:26:44] And that would actually concern me. I'm also going to say that one reason I pushed this off, too, is because I, with due respect with the primate thing, I disagree that this should just apply to any monkey. I think there has to be a monkey limit. There has to be some kind of monkey in which we go, nope, you can't have that monkey, and you can't grandfather that monkey in, and that's a no on that monkey.

[01:27:06] Because monkeys start from, like, little chapucha monkeys, and they, I mean, are you talking about every monkey? You can't be talking about, I mean, are baboons monkeys? You can't be talking about every monkey. Yes. Currently, baboons would be permissible unless they're endangered.

[01:27:21] This is not logical. This is not logical. He's a little chimpanzee. I didn't say him. But this is not logical that there's no monkey exemption. I'm dead serious. Come on. I mean, there is a place of common sense that we have to kind of go. And I, you know, this is not my field of expertise. It is yours.

[01:27:41] And so I am looking for you all for guidance. I have no doubt that you didn't spend your whole life going to school to get your degree that you did, doing the job that you've done, if you don't have a deep understanding of animals and a respect for them, that I have respect for, but not the understanding.

[01:27:58] So I am going to rely heavily on you all. And I will say that no exemption on any monkey not being grandfathered in is not something that I think is logical. So, I mean, that's just the opposite of being overly broad to me. So, anyway, the motion is to send it to the next meeting in between now and then, which is the 7th.

[01:28:17] But not the next meeting, but on the 7th. And between now and then, you know, phone calls will be made and we'll start asking some questions and such. I made the motion and seconded by the Brixman on paper to say aye and opposed. Nay. That motion will pass 6-1-2 with Supervisor Kirshner being a no-one motion, Supervisors Turner and Buffington being off the dais.

[01:28:45] Okay. We have one more item. Do you all need a break or are you good? You're going to be good. One more item. You get none. None. We get one more item. With staff, please come to the table. And with the applicant, please come to the table.

[01:29:00] Thank you all for joining us this evening. Thank you for speaking. And if you want the pictures, I have pictures I took of them, I took of you all from my angle. I'll send it to you all.

[01:29:20] Good evening.

[01:29:47] Whose district is this in? It's yours. And do you want the presentation, sir? All right. We're going to see the presentation. We're ready when you are. Thank you, Chair Randall. Good evening, board. My name is Marshall Brown with Planning and Zoning Department. here to present the applications for Vantage Data Center. This site is approximately 18.66 acres.

[01:30:11] It is located in the Sterling Election District south of Belford Park Drive and east of Shaw Road. The property is located in the suburban mixed-use place type. The two parcels that make up the subject property are covered by the PDIP zoning district under the 1993 revised 1993 zoning ordinance and R4 under the revised 1993 zoning ordinance. One parcel is zoned PDIP under the the 1972 zoning ordinance the site was previously seven separate parcels but has been partially combined by a boundary line adjustment earlier this year the applicants proposed to rezone the property to consolidate all parcels under the revised 1993 zoning ordinance pdip zoning district

[01:30:49] to develop data center uses the applicants are also requesting a special exception to increase the floor area ratio from 0.6 to 1.0 here's a general view of the cdp showing footprints of data center buildings the gold stars are potential locations of outdoor amenity spaces and the area shaded in green on the north side of the property along Belford Park Drive is an area demarcated for supplemental landscaping adjacent to residentially zoned properties which are shown towards the top of the screen in red the applicant has proper design design standards above the minimum performance standards for data centers in the zoning ordinance

[01:31:29] the proffer specified types of materials amount of fenestration facade articulation foundation landscaping and lighting height is limited to 66 feet which is consistent with PDIP zoning district regulations. The image on the right is from sheet 9 of the CDP, which reflects the proffer design commitments. The proffers commit to supplemental landscaping that will include additional evergreen and deciduous trees on a 6-foot-tall berm, an effort to bolster the landscape buffering between the data center uses and residential properties to the north.

[01:32:00] The applicant has also proffered to provide 200 square feet of outdoor amenity spaces on-site, sidewalks, and one bike rack per building. Additionally, several transportation improvements have been proffered including the provision of sidewalks and shared use paths along the public road frontages including extensions of sidewalk and trail off-site to the south. Staff does find outstanding issues with the applications primarily that the subject property is within the suburban mixed-use place type. The 2019 GP envisions a compact pedestrian-oriented environment with a mix of residential commercial entertainment, cultural, and recreational amenities. Data center

[01:32:38] use is not considered a core, a complementary, or a conditional use in this place type, and the proposed site design does not provide high quality site and architectural design as envisioned in the suburban policy area. To better illustrate staff's concern, these side-by-side images show the difference between proposals. On the left is one Loudon, and on the right is the proposed data center campus. Both areas within the yellow lines are approximately 18 and a half acres.

[01:33:04] One Loudon illustrates a development type that is closer to what the 2019 GP envisions for the site with a walkable mix of uses set in a grid street layout with a provision of public spaces and art. Should the properties be developed in the manner proposed, a significant amount of land would be depleted within the place type envisioned to support the development of complementary uses that are intended to build upon planned policy uses which could support nearby neighborhoods.

[01:33:31] The development as proposed further weakens and hinders the ability to implement general plan policies in this area. As noted in the staff report, this property was identified in the Loudoun County Data Center land study and data center discussion series as having an active data center application and thus may, at a future date, be included in a future CPAM that will evaluate the appropriateness of certain

place type boundary revisions. At present, there is no timeline for the commencement of this CPAM, though the board has authorized the CPAM's initiation. I would like to point out that the place type surrounding this property does not accommodate data center

[01:34:09] development and surrounding parcels do not have active applications for such uses the development represents a hole in essence in the place type that will weaken redevelopment opportunities that may better implement suburban mixed-use place type policies staff does acknowledge that the proposed use cannot meet the place type and has provided design recommendations which aim to bring the applications closer to the intended long-term vision for the place type these recommendations include incorporation of design elements from the suburban policy area design guidelines such as these listed on this slide and further described on page 12 of the staff report

[01:34:45] i will note one minor correction however the list on page 12 of the staff report the applicant has proffered out substation use on this property staff also recommends an additional revision to the proffer statement to remove proffer 5b for the for an indoor amenity area this proffer does not address an existing policy element and may prove difficult to administer in on the long term. At the December 12th planning commission, 2022 planning commission, the commission divided the motion and forwarded the rezoning application with a recommendation of

[01:35:20] approval and after a second vote forwarded the special exception request to increase FAR with a recommendation of approval as well. Staff recommends denial of the applications as they are fundamentally incompatible with the suburban mixed use place type policies and long planning vision for the area and staff does not support the specs request to increase the density of an incompatible use with that I'd be happy to take questions thank you very much it's saying this is your district would like to ask questions sir yes thank you can you go back to the slide that shows the

[01:35:55] then the neighborhood for me please this one or keep going the aerial that one thank you all right so staff is not in support of because it's not uh suburban mixed-use type is that that correct that's correct but currently right now the property by right use is what what can they do right now by right it is um it's covered by kind of a mixture of uses but there

[01:36:27] is pdip under the revised 93 partial 93 and 1972 but by right technically right now they can do by data center correct yes and there is an active site plan for a portion of the property that that has a data center use correct so some of my colleagues are asking where am i with this i support this application reason being is currently right now again they don't even have to come towards us they can do a data center right now um if you drive by the site they've actually cleared the site for what they can do right now data center by right i'm supportive of this because we can get a better building design if you look at some of the proffers with the the berms and

[01:37:06] and whatnot we worked and and got some good commitments from the applicant we've had two community meetings the residents that are nearby they're fine with this application after hearing from the applicant and voicing some of their concerns and asking for for some things and the applicant has done it so in this area all right so here you have all right you have custom borders here you

[01:37:40] have what is this building here is a data center I do not believe it's actually old school data center because i already know the answer you have a data center here you have flex industrial uses here that are not going to wear tart lumber which has been here since i don't know how long they're not going anywhere you have belfort park furniture here they're not going anywhere landscaping company here

they're not going anywhere so this is an area where as you noted earlier it's one of the hodgepodge areas yes we have the homes that are wedged in but again half this site is zoned right now by right data center and i encourage my colleagues to go look

[01:38:19] at the site currently right now in the current form. You'll see it's under construction right now for data center. So that is why I'm in support of it. I understand why staff is not in support of it because of our policies, but let's be honest, this is not going to be a One Loudon or anything like that anytime soon.

[01:38:38] Do you see One Loudon here happening anytime soon? I would see, under the place type, it would have that type of development pattern. So that's the reason I included that in the presentations, gridded streets, mix of uses, that type of thing. It may not be One Loudon particularly, But along those lines is what the place type would support.

[01:38:59] Thank you. Thank you. Ms. Umstead. Thank you very much, Madam Chair. I'm looking at page three of the staff presentation, and you've got the site outlined in yellow. And it appears to me that the vast majority of that site is already by right for data centers.

[01:39:22] And only that narrow strip in brown is the residentially zoned area. Is that correct? That is correct. There are also some existing entitlements on the site that are limiting the development of the entire parcel.

[01:39:40] And are those FAR restrictions? What are those? Off the top of my head, I know that there is a proper provision to provide a landscape easement that sort of cuts through the middle of the site. Okay. All right. I have to agree with the vice chair.

[01:39:59] I think given what I'm looking at and the fact that this already could go for data center without any proffers, I think approving it and getting the proffers is probably a positive.

[01:40:15] I appreciate staff's work, though. Thank you. Thank you. Ms. Brixman. Thank you, Madam Chair. What's the difference between what they could do by right and what they're asking for? Like, is it going to cover a whole bunch more of the land?

[01:40:35] So the specs will allow 803,000, just over 803,000 square feet of gross floor area. The base floor area would be 481,851. So it does represent a significant increase in density. So that's twice as much?

[01:40:53] Almost. It's from 0.6 to 1.0, so it's just over half more. Does that result in, it results in more building taking up more of the property, basically? Correct.

[01:41:08] In layman's terms? Yes, ma'am. Okay. And what is Old Sterling Park? Old Sterling Park, I believe, is just the name of one of the old subdivisions that's on record. So that's in our GIS as a subdivision name.

[01:41:25] So that's what that represents. Was that originally, did they think originally that there would be houses there in the original Sterling Park plan? Some of the old zoning history of this site did, a very long time ago, have more residential, but it developed a mix of industrial uses, and some of those, you can see there's a residential parcel on this that's kind of a leftover remnant of some of that past zoning history.

[01:41:52] So, yes, it's kind of a mixture, but there was residential at one point in time, planned at least. Could you go back to, please, I don't know what slide it is, but the one that shows like the aerial, the second slide basically shows the aerial shot. Right.

[01:42:08] So did we not just recently, oh, mine's not working so great either, approve, I got it, approve like a bunch of townhouses right here? Off the top of my head, I'm not entirely certain, though, that is about a recent approval, but that is zoned for residential, that area, yes.

[01:42:34] It's zoned for residential, and I believe that we just recently, like not too long, in my term we approved an application for townhouses right here because i remember a lot of the neighbors came and argued against it so i mean madam chair well hold on she hasn't asked you for anything yet so i'm not going to go to you yet but you don't recall i believe it would have been at the beginning of your term but i don't remember the exact um number but you're correct it's within the past few years right right would you like to comment yes yes that was in our first year of this new term it was around about seven to ten townhomes but there's been no

[01:43:13] activity since our our approval um at all no activity but they might be less likely to build townhouses if there was a data center across the street maybe that well again the neighborhood the matter if no no no yeah no no time's up anyway yeah but there are there are my concern is there are a lot of houses around there um thank you miss and among others oh thank you i'm out of time

[01:43:37] Yeah. Mr. Letourneau. Yeah, that's where I was going to go. I was actually going to ask. I'm glad you did. I couldn't tell what was there because the Belfort Park Drive is so big. It covers the land map. So I was trying to tell, are there already townhouses on the Belfort side of that, where it says Belfort on Belfort Park Drive?

[01:43:59] There is a neighborhood just north of that that you can see on the slide. I think that area right now is vacant, at least from the most recent aerial imagery, though ZMAP 2019-0001 is the zoning, the rezoning for that site.

[01:44:17] When we did that rezoning, we rezoned the whole thing that says Belfort Park Drive, no? Roughly where park and drive are. Just where the park and drive are. Okay, so what's where the Belfort is because that's the closest to this site? single family homes six to eight single family six to eight six yes those are single family this zoning over here really is something isn't it um see it okay so those are those are single family homes yes okay all right so all right so i i i get that we probably should not have made

[01:44:56] this suburban mixed use and let's be very clear we did that not you so you're just telling us what we did um and i get that they can already do data center by right and it's 480 000 square feet so it's not like it's small but i do have a concern and i'm sure the applicant will address it with i mean i've been really really consistent on this point for a long time data centers should not go next to houses that is when we have trouble we've all been reading it the washington post just did a story about this so if you know now they can already do data center but use is that on the

[01:45:34] southern portion of this property it uh it includes most of the subject property so you can see the in the buffer that's the zoning but what's what's the this request but what's the by right the by right it's um it's sort of down in this uh yeah so it's further away from the houses okay so what i would think i would want to see out of rezoning application is something that improves the buffer between this and the existing houses i'll stop there thank you miss glass thank you Madam Chair. Do we know where the applicant is getting their power and if there's a need for

[01:46:13] substation for the site or in the area? So substation use has been proffered out. So there will not be a substation once the proffers are accepted unless there's a ZCPA of some sort. I have been informed

that there are resources to provide power. There are high transmission lines over the W&OD trail which is to the east and there are several data centers of course across 28 and substations to the west across 28 that may provide a connection. Is there anything

[01:46:49] proffered with regarding to restricting or limiting the sound of the data center that may come from the site? They have proffered a rooftop filter essentially a rooftop sound system that will buffer some of the noise that is in the proffers.

[01:47:04] Yes, ma'am. Thank you. Mr. Kirster. Thank you, Madam Chair. I just had a couple follow-up questions from what was asked. I'm looking on page 11 to 10. It does appear to show that there's a supplemental planting with a six-foot firm that will run along the Belford Park Drive.

[01:47:26] Do we have any line of sight visuals in the presentation? Maybe I missed it. This is what I have. So this is kind of pulled from their application materials, yes. Okay.

[01:47:43] And that was a specific proffer? They are enhancing the buffer that is required. So they have supplemental evergreens and deciduous trees along that raised berm. And how far does that stretch? Do we know? I could take a look at the site plan and give you a number, but I don't want to speculate right now.

[01:48:03] Yeah. And if you can't find it, just follow up with me later. This is just public hearing. Thank you. That's the only question I have. Yes. Thank you. Good evening. You have 10 minutes. You could sit there or stand at the podium. We're ready when you are. I will not be talking about snakes or primates. My name is Colleen Gillis. I'm an attorney with Cooley. I'm here tonight on behalf of Vantage. I'm joined this evening by Ryan Dorsett of Vantage. So if there are questions specific to Vantage, we've got him at the ready. Next slide. So I wanted to start with who Vantage is. Some of you may know Vantage has a campus already in the Sterling slash Ashburn area, right across on the south side

[01:48:42] of Waxful Road across from the Wakemans. What I want to set the stage for you all about is that Vantage is very different from the other data center companies that we have in the county. Vantage, first and foremost, is a company that designs its data centers around sustainability. They are committed to being net carbon neutral by 2030.

[01:49:03] And as we'll talk about through these slides, they're really committed from beginning to end, A to Z, part of their DNA, to being as sustainable as they possibly can be. And I think that that's one of the things that sets advantage apart from other data center companies. Next slide. Next slide.

[01:49:19] So this site, Marshall's already overviewed where it is, right? 18 acres on the east side of Route 28. And as we've talked about ad nauseum already, it's already zoned predominantly PDIP today with a small piece that is zoned R4. There is a by-right site plan conditionally approved for the initial buildings on the campus.

[01:49:37] And as Supervisor Sainz indicated, if you go out, you can see the activity already happening today. Next slide. And this is that a little zoomed-in version of what Marshall already showed, and this is that zoning map. You can see that the vast majority of the site is zoned under the revised 1993 zoning ordinance, which permits data centers by right.

[01:49:59] Next slide. This proposal would consolidate all of those under one zoning plan. And as you'll see from this slide, our site, which is noted by the yellow star, is surrounded by all of those properties of

the blue stars. Those properties of the blue stars are largely commercial and industrial uses.

[01:50:15] And I think it's really important to note we went back and we looked through the land records, the assessment database. Most of these buildings, with some exceptions, were constructed in the last, let's call it 10 to 15 years. The Customs and Border Patrol building, for example, just in the last, hold on, in 2016.

[01:50:32] So it's seven years old. These are not buildings that are old, obsolete, about to be torn down, and can be consolidated into some grand suburban mixed-use place type plan. And so we think that that's one of the things that's really important here. So we've already talked about what the application requests are, and as Marshall indicated, it is today planned for suburban mixed-use under the general plan.

[01:50:52] However, it is, based on the motion that you all made at your September 20th Board of Supervisors business meeting, anticipated to be carved out of the suburban mixed-use place type. Next slide. so this is the motion from your september 20th meeting revise the limits of the suburban mixed use place type where data centers are not envisioned to ensure existing data center development is not affected ensure that existing data center development is not affected by the creation of a special zoning district precluding data centers in these place types there is that effort next slide as you'll see from your own exhibits from your staff report this was a site

[01:51:29] that was identified where data centers are existing or in process of development and therefore next slide it was not covered by the same motion to restrict data centers here we understand that that that process has not fully played out we understand that but we followed the tlux series very very closely we followed your motion on september 20th very closely and we noted that it was not subject to or not intended to be subject to that same same effort to preclude data centers one thing with regard to however the suburban mixed-use place type we did do and i can share that with you after this presentation we did look at if we were to build out this property

[01:52:08] pursuant to the suburban mixed-use place type with the mix of residential and retail and office according to the comp plan guidelines we would be looking at 1300 increase in the number of trips on this property 1300 increase in the number of trips and i'm not no traffic engineer but obviously that would have to be deeply considered. Next slide. This is our concept development plan and what's highlighted in green at the top is that buffer that Supervisor Letourneau mentioned earlier. One thing I want to point out is that we have pulled these buildings to the interior of the site. We have not put them right up against where we could set them adjacent to the setback.

[01:52:48] We pulled them close to one another so as to reduce the impact on surrounding properties and surrounding uses. We would be completing the trail and sidewalk network around the perimeter of the property. Approximately 3.2 acres of the property would be in open space. That's excluding the required buffers, and we're doing those supplemental plantings along Belfort Park Drive.

[01:53:08] Next slide. This is the image that Marshall shared, and this is really, I think, critical to the compatibility issue of this site to the residents on the north side. There are four single-family detached houses on the north side of Belfort Park Drive. This would commit us to provide a six-foot tall berm. The plantings on it would have to be a minimum of 80 percent evergreen trees. Those evergreen trees are going to be planted at a mature, a more mature caliper than would be required by the ordinance. So they'd come out, be planted at a greater height and greater density and greater width. The density of the plantings is 222 trees per acre. So this is not

[01:53:47] just like popsicle sticks of trees. This is dense. The ordinance would require a 20-foot buffer. We would be providing a 50-foot buffer, so two and a half times what the ordinance would require. And the separation of uses, and I think this goes to Supervisor Letourneau's point, the ordinance would require 111 feet of separation between the residential property line and the building. We're doing 236 feet of separation, more than twice of what is required. Next slide.

[01:54:13] And these are the elevations. Supervisor Sainz, I know it's no surprise to any of you as his colleagues. He's very committed to the architecture of these buildings. We worked closely with him in his office to enhance the architecture. This is the view from Belfort Park Drive. This is the view of the building. It does not show the berm. It does not show the landscaping, because obviously we would block the building. But you can see that it's a good, attractive office-like appearance. Next slide. This is the view from Glenn Drive. So from the Customs and Border Patrol building, this is that view. And again, really attractive. Next slide. And then we have the facade of the building that would face towards the Lindsay Automotive Volkswagen dealership and this is what you see here

[01:54:52] are the visual screens around the acoustical cabinets, the noise deafening cabinets that house our generators. So it's not just visual screen but there's also an acoustical treatment in there. Next slide. This is the view of the overall campus and I point this out not because anybody's necessarily going to be flying above the site and seeing it but you really get a sense for how we've pulled those buildings in from the edges of the site increasing the setback from the perimeter roads so as to mitigate the impact. Additionally, next slide. The yellow highlighting that you see here is actually an acoustical screen wall that we are committed to do that will

[01:55:27] surround the cooling equipment on the roofs. This is not just a visual screen. The ordinance today would only require a visual screen so that you can't see that cooling equipment. What we are doing is actually creating an acoustical screen so that we are below the ordinance requirements at all of the receiving property lines when those chillers are operational. Next slide.

[01:55:53] The proffer commitments are robust. We've already talked about the design commitments. We've proffered to only data center uses, as was asked and answered already. We've proffered out substations. We've talked about the supplemental buffers and plantings, a contribution to Belfort Park Drive, a road that's already been constructed, sidewalks and trails. This is really important.

[01:56:10] We had meetings with the community, and the community expressed a concern that there was not a complete sidewalk and trail network. They love that this application will complete that sidewalk and trail network. Additionally, we've committed to an indoor and outdoor amenity area, which is more robust than what proffers typically require in connection with data centers these days.

[01:56:31] Additionally, a construction management plan. This is something I think is really novel, and I think it's one of the things that sets Vantage apart from other data center companies. They have thought well in advance of what could be a possible impact to the folks who live in those nearby neighborhoods. All of our construction traffic will come from the south, will come off of Sterling Boulevard.

[01:56:49] It will not be coming from the north through those neighborhoods, number one. Number two, the vast majority of the folks that are going to be constructing this data center, I mean overwhelmingly more than 90%, they will be bused to the site. So these people won't have to deal with cars coming in and out, in and out as the data centers are constructed.

[01:57:07] Additionally, we'll be washing our trucks, and we've provided car wash certificates to the folks who live in those nearby neighbors that in case any of the dust gets on their cars, they have unlimited car washes for a year at Flagship, so they really suffer very little. Lastly, we have provided our phone numbers.

[01:57:23] I should say Mr. Dresset has his phone number to anybody if they've got concerns. Fully cutoff and shielded lighting, we learned that that was a concern with the Customs and Border Patrol building, and so we said absolutely we will do that. Low-impact development practices, 80% native species, sound attenuation like we talked about, EV charging stations, solar trees, solar wind, and light poles, bike racks.

[01:57:44] This is part of the Vantage DNA, but we put it in the proffers as well. Loudon Wildlife Conservancy contribution, this is something that we are committed to making. This was a thought that came from one of the neighboring constituents, and they said, what are you going to do with regard to maybe some of the critters that live on that property today and how do we take care of them?

[01:58:04] We will be making a contribution to the Loud and Wildlife Conservancy, but not before registering all the primates, the snakes, the rattlesnakes, and the crocodiles that are on there. That's it. So with that, I'm happy to answer any questions. And, again, we're just really proud of this and really grateful to have worked all this time with Supervisor Sainz and the community.

[01:58:23] Thank you, Ms. Gillis. I appreciate it. Supervisor Sainz, I'll go to you first for questions. Thank you, Madam Chair, and thank you for your presentation. In one of our community meetings, if you recall, one of the community members brought up the issue of traffic. So can you remember that conversation?

[01:58:41] I do. I do. There was a concern about the amount of traffic here. I mean, I remember Supervisor Sains, you being part of that conversation there with the concern about traffic at Belfort Park Drive and Glen Drive and the changing of the stop signs and everything the county did with regard to that.

[01:59:00] The community was very concerned about increased traffic, and I think it's one of the reasons why this site being developed for data center not only makes it more likely that the northern portion of this area could be developed for suburban mixed use, but it also does nothing to really impact the folks who live there today.

[01:59:17] Add more traffic, exactly. And also, to supervise Letourneau's point, in one of our meetings, somebody brought up the question about a news article that was recent in the paper from Prince William County about residents making complaints about noise with the data center, and to that, what is Vantage offering to do?

[01:59:35] Yeah, so Vantage, as opposed to just putting the visual screen, again, that's all that would be required by the ordinance. They're creating an acoustical screen, two pieces of corrugated metal with acoustical filler in the middle. Like, think of it as the sort of thing that would absorb sound in a sound booth or something along those lines, so that as those chillers create any sort of sound, they get absorbed there before they even leave the top of the building okay and then currently the site i wish you had a an actual image now yeah but speak to what what has happened over the last few weeks and what the site currently looks like yeah very denuded i mean it's a it's

[02:00:13] we're working on clearing and grading and getting ready to start the construction of the data center today as soon as we possibly can so would it be safe to say accurate that almost i would say 80 to 90 percent of the site is pretty much clear yes at this point yep okay um and again the reason why they can do

that because it's by right they can do that right now um and speaking to the the design you have the berm that's going to be along belfort park we have the diesel

[02:00:49] generators those are facing towards shaw road so away from the residents yep in the in the in the off chance that you have to turn those things on um and also if you want to go ahead and talk some more about the design yeah yeah so from a design perspective we face the the most office like facades across the street from the from the folks who live in the neighborhood uh with regard to those uh generators um they are created like i said they're in they're housed in an acoustical cabinet and what you see from the outside is more or less um more or less just a visual screen then of those acoustical cabinets that are keeping those generators very quiet.

[02:01:29] Last question. Yeah. There's the custom boards building. This building, these buildings will be pretty much almost similar to height. Yeah, so we have, yes, exactly. Very similar. Okay, thank you. Thank you. Mr. Letourneau. So I think what I would like to see is a better version of the graphic that's on page 11 of our packet that shows the buffer, the data center, and the houses.

[02:01:54] The elevation on these is 66 feet. Yeah, 65 and a half. I don't suppose anybody knows what the elevation of the houses are, but it's probably minimal. The height? Yeah. We can look into that. I'm just trying to get a feel for, like, are these folks going to have this just giant towering structure and never see the sun again because this thing is right up against them?

[02:02:20] Sure. Because the, you know, you can put a buffer in with trees, but, you know, at least in the staff graphic here, the trees, even fully evergreens, are not going to get close to actually buffering that. We can prepare a line of sites.

[02:02:36] And I'll be honest, Colleen, I mean, you know, you're probably familiar with the project we had in the South Riding area up against the shopping center. I see that, and I question myself some days, because that thing is towering over a shopping center, at least.

[02:02:54] So I just worry a little bit about the eight houses. So if you can show that better, not to mention whatever we already approved here, and what that's actually going to look like, I think that would be helpful. Absolutely. We can definitely provide that. Thank you. Ms. Brixman. Thank you. Could you send us a schematic of the buy-write plan you have in right now?

[02:03:16] i'd like to be able to compare what the buy right data center would look like versus what you're proposing um also if this if this were to be denied would you absolutely be building the buy right 400 square so we're a thousand square feet we've done a lot of the work in advance of that to start that process i will say for the benefit of my client who um i'd like him to sleep tonight um he we that's kind of sorry yeah ms gills that's a yes or no question will you be

[02:03:49] building the buy right data center at 400 000 square feet if this is denied yes okay thank you um how can you commit to being carbon neutral by 2030 if you're being powered by dominion power um as a company because this will be powered by dominion power and we don't know if they will be carbon neutral by 2030. So does that mean you're going to be buying offset somewhere else, which means that doesn't benefit us as Loudoun County, um, environmentally? Um, there is green

[02:04:25] power that we're purchasing as part of the DEV program. Um, and then we're looking at further other carbon offsets potentially, um, within Loudoun County and with outside of Loudoun County to, to provide that. Okay. So, so you can't commit these specific data centers, campus one or campus too will be

carbon neutral by 2030 you're committing to your entire company being carbon neutral by 2030 and that will be dependent on buying offsets either in Loudoun County or elsewhere will they be international offsets or will they at least be U.S. offsets um do you have the

[02:05:02] information on that I do not I don't have that information tonight but we can get that information together okay thank you I appreciate that I just want us to have an honest picture sure of what that means for Loudoun County what it may not mean for Loudoun County and then I think we talked about this when you guys gave me a briefing and that is the power lines you've already committed to having them under under yes yes okay and can Dominion power this yes you have a commitment already from Dominion you have a little sir okay yes your advisor we thank you we also talked about the Loudoun Wildlife Conservancy proffer and I wanted a commitment that the money or the investment

[02:05:40] or the programming with this money would be exclusively used for... I want to be really careful right now. Like, I want to be really careful right now because... Dude, do you want to pause my time while we ask Leo? Yeah, that's... First, don't call me dude.

[02:05:57] Did I say dude? No, I said do you want. I would never call you dude. There were 30 seconds back. I get mad when people call you chairman. And let's ask Leo because I want to... I just want to be really careful. I just want to be really careful right now. I was about to ask about proffers.

[02:06:15] I'm sorry, go ahead. So what I have asked is that the proffer to Loudoun Wildlife Conservancy, I have asked that that proffer be programmed in such a way that it is used in eastern Loudoun, which is where the impact of this data center will be.

[02:06:33] So the proffer comes to the county, and we can decide. Can you hear me? Yeah, you can. The proffer comes to the county, and then we would decide the area. and the area would probably be exactly where the impacts are, which would be Eastern Loudoun. Can I just interject something?

[02:06:53] Ms. Sidner asked us to remove the proffer. It is not in the proffers. We are making a commitment. Supervisor Sains knows this. We've shared it because we've shared it with the community. We will be making that contribution outside of the context of the proffers directly to Loudoun Wildlife Conservancy.

[02:07:12] Thank you very much for that. So the answer to your question is really with the applicant and how they want to make this offer. We are happy to, when we make the contribution of the Loudoun Wildlife Conservancy, to earmark those funds, to direct those funds to be only spent in eastern Loudoun County.

[02:07:27] Thank you. I'm sorry, I thought you called me dude, so I apologize for that. It's like, dude? You've been writing about your son too long. Mr. Kirshner? I promise I won't call you dude. Just a real one follow-up question from what Mr. Laterno was talking about.

[02:07:48] The Customs and Borders building is just kind of across the way it would sit, similar to in relation to the house. How tall is that building? I want to say it's about 50 feet. It's about 50 feet. Not much lower than this one.

[02:08:04] It's five stories. Okay, fair enough. Thank you. Yeah. So before I ask for anybody to speak, I just want to correct one thing. Ms. Gillis, you said that, and I wrote it down, that the motion we passed did not preclude data centers.

[02:08:22] That is true, but we're not having a question about whether a data center is precluded or not. We have a question about how large and the specs on it, so I just want to make sure that that's a different discussion. I'm saying this to you all the time. You make me a better supervisor because I listen to you real closely.

[02:08:37] I know. Right, when you talk, but I want to just be real clear that that's not the discussion we're having. Understood. Okay. Is there anybody here who would like to speak on the issue? Mr. Sancher would like to make a motion.

[02:09:00] I move that the Board of Supervisors Ford ZMAP 2022-007 and Special Exception 2022-0023 Vantage Data Center to March 21st, 2023 Board of Supervisors Business Meeting for action.

[02:09:19] Motions made and second by Supervisor Umstead. All right, thank you. I think we had a very good conversation. There are some questions asked, which I'm pretty sure the applicant will follow up on. I encourage my colleagues, if you want to see the site for yourself, let me know. I'll be glad to give you a tour of the area, and we will see everybody on the 21st for this item.

[02:09:40] Thank you. Ms. Brixman? I'll save my comments for the 21st, I think. Well, now that I have the microphone. I appreciate all the work you guys have done on it. I think that if we didn't already have a ridiculous amount of data centers in Loudoun County, I think this is a good application.

[02:10:00] You know, it is a by-right area. But I have heartburn, and for all the reasons you guys have probably heard before. So I'm not sure how it will go for me on the 21st. Thank you. I would associate myself with Ms. Brickson's comments, including saving most of my comments for the 21st.

[02:10:17] And I do want to see the illustratives on what it would be if it was actually by right versus what it would be not by right. All right. Thank you. All in favor, say aye. Aye. Any opposed? That motion will pass 7-0-2 with Mr. Turner and Mr. Buffington being not in the days for the motion.

[02:10:41] Everyone, we will see you tomorrow for the meeting with the school board, and we are adjourned.



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